

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PAUL LEONARD AND JULIE LEONARD

PLAINTIFFS

v.

CIVIL ACTION NO. 1:05CV475 LTS-RHW

NATIONWIDE MUTUAL INSURANCE COMPANY

DEFENDANT

ORDER SUSTAINING MOTION IN LIMINE
CONCERNING AN ALTERCATION AT McDONALDS

Defendant Nationwide Mutual Insurance Company (Nationwide) has filed its motion in limine to exclude evidence and argument related to an altercation between a Nationwide employee, one Mr. Venezia (Venezia), and local police officers. The heated confrontation took place shortly after Hurricane Katrina struck the Mississippi Gulf Coast. Venezia apparently became enraged at being refused service at a local McDonalds restaurant. The restaurant was closed when Venezia arrived there. Venezia is alleged to have made remarks indicating that he would vent his rage by denying legitimate insurance claims if he were given the opportunity to do so. Venezia did not participate in the adjustment of Mr. and Mrs. Leonard's claim against Nationwide.

I do not believe that this altercation is relevant to the issues in this case. As the parties know from my prior rulings in this case and in other insurance cases related to the damage done by Hurricane Katrina, the real issues in this case concern the cause of the damage to the insured property, i.e. whether that damage was caused by wind or water, and the extent of the insured loss.

Accordingly, I will **SUSTAIN** this motion in limine [114], and I will hear no evidence or argument relating to this altercation. Plaintiffs may make a written proffer of any evidence concerning this incident.

SO ORDERED this 27th day of June, 2006.

s/ *L. T. Senter, Jr.*

L. T. Senter, Jr.
Senior Judge